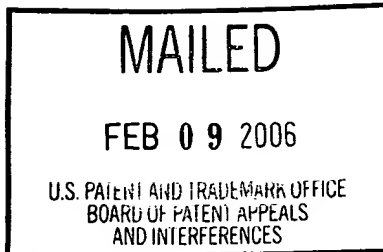


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**



Ex parte BRUCE JOSEPH ROSER

Application No. 09/888,734

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 28, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A Reply Brief was timely filed on December 16, 2005. The examiner did not review this paper and the paper was not recorded in the PALM system. The Reply Brief needs to be considered by the examiner with respect to compliance with the criteria set forth in 37 CFR § 41.43(a) which states:

(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

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In addition to the Reply Brief, a Request for Oral Hearing was filed concurrently.
This paper also has not been recorded in the PALM system.

Accordingly, it is

ORDERED that the application is returned to the Examiner for 1) appropriate consideration of the December 16, 2005 Reply Brief; 2) entry of the Reply Brief and the Request for Oral Hearing into the PALM system; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____



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